

HOUSE BILL 252

By Harwell

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 13, Part 5 and Title 40, Chapter 35,
relative to the punishment for certain child sexual
predators.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-13-523, is amended by deleting
the section in its entirety and substituting instead the following:

§ 39-13-523.

(a) As used in this section, unless the context otherwise requires:

(1)

(A) "Child sexual predator" means a person convicted two
(2) or more times of any of the offenses set out in subdivision
(a)(1)(B), or a person convicted at least one (1) time of any
offense set out in subdivision (a)(1)(B) and at least one (1) time of
any of the other offenses set out in subdivision (a)(1)(B);

(B) The offenses to which the provisions of subdivision
(a)(1)(A) apply are:

(i) Aggravated sexual battery under § 39-13-
504(a)(4);

(ii) Statutory rape by an authority figure under §
39-13-532;

(iii) Sexual battery by an authority figure under §
39-13-527;

(iv) Solicitation of minor to commit sex offense
under § 39-13-528;

(v) Solicitation of minor to perform sex acts under § 39-13-529; and

(vi) Aggravated statutory rape under § 39-13-506(c);

(2) "Child rapist" means a person convicted one (1) or more times of rape of a child as defined by § 39-13-522; and

(3) "Multiple rapist" means a person convicted two (2) or more times of violating the provisions of § 39-13-502 or § 39-13-503, or a person convicted at least one (1) time of violating § 39-13-502, and at least one (1) time of § 39-13-503.

(b) Notwithstanding any other provision of law to the contrary, a child sexual predator, multiple rapist or a child rapist, shall be required to serve the entire sentence imposed by the court undiminished by any sentence reduction credits such person may be eligible for or earn. A child sexual predator, multiple rapist or a child rapist shall be permitted to earn any credits for which such person is eligible and such credits may be used for the purpose of increased privileges, reduced security classification, or for any purpose other than the reduction of the sentence imposed by the court.

(c) The provisions of title 40, chapter 35, part 5, relative to release eligibility status and parole shall not apply to or authorize the release of a child sexual predator, multiple rapist or child rapist, prior to service of the entire sentence imposed by the court.

(d) Nothing in the provisions of title 41, chapter 1, part 5, shall give either the governor or the board of probation and parole the authority to release or

cause the release of a child sexual predator, multiple rapist or child rapist, prior to service of the entire sentence imposed by the court.

(e)

(1) The provisions of this section requiring child sexual predators to serve the entire sentence imposed by the court shall only apply if at least one (1) of the required offenses occurs on or after July 1, 2007.

(2) The provisions of this section requiring multiple rapists to serve the entire sentence imposed by the court shall only apply if at least one (1) of the required offenses occurs on or after July 1, 1992.

SECTION 2. Tennessee Code Annotated, Section 40-35-501, is further amended by deleting subdivision (i)(3) in its entirety and substituting instead the following:

(3) Nothing in this subsection (i) shall be construed as affecting, amending or altering the provisions of § 39-13-523, which requires child sexual predators, child rapists and multiple rapists to serve the entire sentence imposed by the court undiminished by any sentence reduction credits.

SECTION 3. This act shall take effect July 1, 2007, the public welfare requiring it.